

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** June 7, 2011  
**POSITION:** Neutral, note concerns  
**SPONSOR:** California Advocates for Nursing Home Reform

**BILL NUMBER:** AB 313  
**AUTHOR:** W. Monning

### **BILL SUMMARY:** Residential Care Facilities for the Elderly

This bill would require licensed residential care facilities for the elderly (RCFEs) to provide written notification to residents, their representatives, and the local long-term care ombudsman under specified circumstances. These circumstances would be: in the event legal action related to client health and safety has been taken against the facility, a licensing entity for the Department of Social Services (DSS) has begun proceedings to remove the provider's license, or the facility has been cited for certain violations that endanger client health and safety. Facilities also would be required to post a similar notification within the facility. The DSS would be able to levy a civil penalty on facilities that fail to comply with these provisions.

### **FISCAL SUMMARY**

This bill is expected to result in minor additional workload for the DSS and the California Department of Aging (CDA). This bill would require the DSS Community Care Licensing (CCL) staff, during facility visits, to verify that violating facilities have posted notices of violations and issue penalties if facilities are out of compliance. Also, it is expected both the CCL staff and the CDA long-term care ombudsman staff would field more calls from residents and their representatives receiving notices of facility violations.

Although the additional workload would be minor, the CCL program is having difficulty addressing current statutory mandates. The cumulative impacts of minor costs over multiple bills affecting this program area could lead to a nonabsorbable General Fund impact.

### **COMMENTS**

The Department of Finance is fiscally neutral on this bill, but has concerns about the potential for increased workload and cost pressures resulting from this bill.

This bill would add notification requirements in an effort to keep residents and their representatives more informed on issues that impact their living situation. In recent years, various enacted pieces of legislation have made incremental increases to community care facility licensing requirements, which have increased the length of time necessary for CCL staff to complete comprehensive facility inspections. The cumulative impact of these increases has made it more difficult for the DSS to meet its mandated licensing requirements. The new inspection element required by this bill, although minimal, adds to the CCL staff workload.

Current law requires notification and provides some protections for RCFE residents in the event of resident relocations or facility closure. Current law also requires the facilities to post within the facility and make available their most recent licensing report. Additionally, the DSS must contact the CDA long-term care ombudsman in the event a facility is cited for a violation that poses a serious health and safety risk.

Analyst/Principal (0512) T. Calvert	Date	Program Budget Manager Lisa Ann L. Mangat	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

<b>BILL ANALYSIS</b>	Form DF-43 (Rev 03/95 Buff)
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**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)****Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

W. Monning

June 7, 2011

AB 313

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	Code
4170/Dept Aging	SO	No		-----	Minor Fiscal Impact	-----			0001
5180/Social Svcs	SO	No		-----	Minor Fiscal Impact	-----			0001